

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DENISE BURGESS,

3:13-cv-01593-ST

Plaintiff,

ORDER

v.

CAROLYN W. COLVIN, Acting
Commissioner, Social Security
Administration,

Defendant.

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BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#18) on October 8, 2014, in which she recommends the Court reverse the decision of the Administrative Law Judge (ALJ) and remand to the Commissioner of Social Security for an immediate award of benefits.

Defendant filed timely Objections (#20) to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

DISCUSSION

Defendant raises four objections to the Magistrate Judge's Findings and Recommendation. Defendant contends the Magistrate Judge erred when she concluded the ALJ cited legally insufficient reasons to reject the opinion of Kristin Kocher, M.D., Plaintiff's long-time treating physician; when she failed to find the ALJ's rejection of Dr. Kocher's opinion was harmless error; when she applied the "credit-as-true" rule to Dr. Kocher's opinion and concluded Dr. Kocher's opinion must be credited-as-true; and when she remanded this case for an immediate award of benefits.

This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#18) and, accordingly, **REVERSES** the ALJ's

decision and **REMANDS** this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for an immediate award of benefits.

IT IS SO ORDERED.

DATED this 31st day of December, 2014.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge